

Notice of Allowability

Application No.

09/723,972

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Harold E. Dodds, Jr.

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 21 October 2005.
2. ☒ The allowed claim(s) is/are 49-59 (renumbered 1-11).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10/26/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Joseph W. Price on 26 October 2005.

3. The application has been amended as follows:

For claim 49 on line 1, the status ~~Previously Presented~~ is **replaced** with New.

For claim 50 on line 1, the status ~~Previously Presented~~ is **replaced** with New.

For claim 51 on line 1, the status ~~Previously Presented~~ is **replaced** with New.

For claim 52 on line 1, the status ~~Previously Presented~~ is **replaced** with New.

For claim 53 on line 1, the status ~~Previously Presented~~ is **replaced** with New.

For claim 54 on line 1, the status ~~Previously Presented~~ is **replaced** with New.

For claim 55 on line 1, the status ~~Previously Presented~~ is **replaced** with New.

For claim 56 on line 1, the status ~~Previously Presented~~ is **replaced** with New.

For claim 57 on line 1, the status ~~Previously Presented~~ is **replaced** with New.

For claim 58 on line 1, the status ~~Previously Presented~~ is **replaced** with New.

For claim 59 on line 1, the status ~~Previously Presented~~ is **replaced** with New.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance: In the Final Rejection Office Action mailed on 24 June 2005 the Examiner stated: "Claims 34, 38, and 42 are objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In the "Response to Advisory Action" filed on 21 October 2005, the Applicants cancelled all previous claims and presented new claims 49-59. New claim 49 corresponded to a combination of previous claims 46, 31, 32, 33, and 34, new claims 50-55 corresponded to previous claims 10-15, respectively, new claim 56 corresponded to previous claim 19, new claim 57, corresponded to previous claim 20, new claim 58, corresponded to a combination of previous claims 47, 35, 36, 37, and 38, and new claim 59, corresponded to a combination of previous claims 48, 39, 40, 41, and 42. The Examiner concluded that these new claims meet the conditions of the claim objection in the Final Rejection Office Action.

5. The Examiner finds Applicants' amendments on pages 2-11 of the "Response to Advisory Action" filed on 21 October 2005 and the remarks on page 12 of the "Response to Advisory Action" concerning a file management apparatus for managing files stored therein persuasive as applied to claims 49, 58, and 59. The combination of prior art from Miike et al. (U.S. Patent No. 5,787,414), Hisatomi et al. (U.S. Patent No. 6,546,192), and Herz (U.S. Patent No. 6,460,036) does not anticipate or render obvious amended independent claims 49, 58, and 59. In particular, Miike, Hisatomi, and Herz do not teach the limitation "the position write unit, recognizing the

two pieces of data as two different segments, generates two segment names for identifying the two segments, and writes into the position information storage unit (i) the two segment names and (ii) the two pieces of information as entries that respectively correspond to the two segment names, the two pieces of position information indicating storage positions of the two segments, respectively."

CONCLUSION

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is (571)-272-4110. The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2168

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harold E. Dodds, Jr.

Harold E. Dodds, Jr.
Patent Examiner
October 26, 2005


CRETA ROBINSON
PRIMARY EXAMINER